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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (I)
PART II—Section 3—Sub-section (I)

प्राधिकार से प्रकाशित
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इस भाग में भिन्न पृष्ठ रखा जा रही है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

अल-भूतल परिवहन मंत्रालय
(पत्तन पक्ष)

अधिसूचना

नई दिल्ली, 1 मार्च, 1988

सा. का. नि. 111 (अ):—केन्द्रीय सरकार, महा-
पत्तन न्यास अधिनियम, 1963 (1963 का 38) की धारा
132 की उपधारा (1) के साथ पठित धारा 124 की
उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए
एन.डी. द्वारा कलकत्ता पत्तन न्यास (स्टेबिलिटी की लाइसेंसिंग)
विनियम, 1987 को अनुमोदित करती है, जो उक्त अधिनियम
की धारा 123 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए
कलकत्ता पत्तन न्यास के न्यासी मंडल द्वारा निर्मित किए गए
ये और दिनांक 17 दिसम्बर, 1987 तथा 24 दिसम्बर,
1987 को कलकत्ता के राजपत्र में प्रकाशित हुए थे, जिनका
व्योरा इस अधिसूचना के साथ संलग्न अनुसूची में दिया गया
है।

2. उक्त विनियम इस अधिसूचना के राजकीय राजपत्र
में प्रकाशित होने की तारीख से प्रवृत्त होंगे।

अनुसूची

कलकत्ता पत्तन न्यास

अधिसूचना सं. 442

महापत्तन न्यास अधिनियम, 1963 (1963 का अधि-
नियम 38) की धारा 123 द्वारा प्रदत्त शक्तियों का प्रयोग
करते हुए तथा इस संदर्भ में बनाए गए सभी पूर्व नियमों,
विनियमों, उप नियमों का अधिक्रमण करते हुए सिवाय इस
अधिक्रमण से पूर्व उक्त नियमों, विनियमों और उपनियमों
के तहत किए गए और छोड़े गए कार्यों को छोड़कर कलकत्ता
पत्तन का न्यासी मंडल भारत सरकार की स्वीकृति के आधार
पर निम्नलिखित प्रारूप विनियम बनाता है और उक्त विनियम
इस अधिनियम की धारा 124 की अपेक्षानुसार यहाँ प्रकाशित
किए जाते हैं।

1. संक्षिप्त नाम तथा प्रारंभ :—(1) इन विनियमों को “कलकत्ता पत्तन न्यास (जहाजी कुलियों को लाइसेंस प्रदान करना) विनियम, 1987” कहा जाए।

(2) ये सरकारी राजपत्र में प्रकाशित होने की तारीख से लागू होंगे।

2. परिभाषा :—इन विनियमों में जब तक संदर्भ में अन्यथा अपेक्षित न हो,

(1) “अधिनियम” का अर्थ है, प्रमुख पत्तन न्यास अधिनियम, 1963

(2) “बोर्ड” का अर्थ है, अधिनियम के अन्तर्गत गठित कलकत्ता पत्तन का न्यासी बोर्ड

(3) “अध्यक्ष” का अर्थ है, बोर्ड का अध्यक्ष

(4) “फार्म” का अर्थ है, इन विनियमों के साथ संलग्न फार्म

(5) “जहाजी कुली” का अर्थ है, कोई व्यक्ति जिसे विनियम 3 के अन्तर्गत कुली का लाइसेंस दिया गया है और वह व्यक्ति भी है जो विनियम 11 के कारण जहाजी कुली है।

(6) “यातायात प्रबंधक” का अर्थ है, कलकत्ता पत्तन न्यास के व्यापार विभाग का अस्थायी प्रभारी अधिकारी जिसमें व्यापार प्रबंधक के सहायक तथा उप-अधिकारी और व्यापार प्रबंधक के प्राधिकारी के अन्तर्गत काम कर रहे कोई अन्य अधिकारी शामिल है।

3. जहाजी कुली का लाइसेंस जारी करना :—(1) आवेदन करने पर बोर्ड से संबंधित या अधिकार वाले पत्तन तथा हाफों, पायरो, क्वेज अथवा डांकों में जहाजों के बीच माल उतारने और नौबहन से संबंधित कार्य और पत्तन के भीतर जहाजों की स्टेविडोरिंग से संबंधित कोई भी कार्य करने के लिए व्यक्तियों को 2 वर्ष की अवधि के लिए अध्यक्ष स्टेविडोरिंग लाइसेंस जारी कर सकता है।

(2) इन विनियमों के अन्तर्गत किसी भी स्टेविडोर को इस लाइसेंस के बिना पत्तन के किसी भी जहाज पर कार्य करने की अनुमति नहीं होगी।

4. कुली से संबंधित किए गए कार्य/उस कार्य को करने की क्षमता का साक्ष्य प्रस्तुत करना :—(1) कुली के रूप में कार्य करने का लाइसेंस उस समय तक नहीं दिया जाएगा जब तक आवेदक इस बात का साक्ष्य न प्रस्तुत कर दे,

(क) कि उसने समय-समय पर अध्यक्ष द्वारा विभिन्न वस्तुओं की हैंडलिंग के लिए निर्धारित निवेश/उत्पादन मानकों को कायम रखा है/रखेगा।

(ख) कि यदि कामगार मुआवजा अधिनियम, 1923, वेतन अदायगी अधिनियम, 1936, औद्योगिक विवाद अधिनियम, 1947 या फिलहाल लागू किसी अन्य कानून के अन्तर्गत नियोजित श्रमिक तथा कर्मचारियों के वेतनों तथा प्रतिपूर्ति संबंध उत्तरदायित्वों को पूरा करने के लिए वह किसी रूप से दृढ़ है और वह एक लाख रु. की राशि तक अथवा किसी भी स्वीकार्य प्रतिभूति के रूप में जमा कराता है जो उत्तरदायित्वों को, यर्थात् कोई है पूरा करने के पश्चात् बरखास्त किए जाने/लाइसेंस के समाप्त होने पर बिना किसी ध्यास के लौटा दी जाएगी,

(ग) कि वह कार्य करने के लिए अपने नियोजन में न्यूनतम अपेक्षित कर्मचारी और न्यूनतम उपस्कर रखने की जिम्मेवारी लेता है जैसा कि कुशलता पूर्वक स्टेविडोरिंग कार्य करने के लिए अध्यक्ष द्वारा निर्धारित किया गया है,

(घ) लाइसेंस जारी करने अथवा नवीकृत करने से आवेदक को 4500/—रु. लाइसेंस शुल्क अदा करना होगा और लाइसेंस के अन्तर्गत दिए गए कार्य को भली प्रकार करने के लिए 5000/—रु. की पेशगी जमा करानी होगी, पेशगी राशि पर कोई ब्याज नहीं मिलेगा और बोर्ड के दावों का यदि कोई है, समाधान करने के पश्चात् जब लाइसेंस समाप्त हो जाएगा तो यह राशि वापिस कर दी जाएगी।

(ङ) आकस्मिकताओं हेतु आवेदक को एक लाख रु. की बैंक गारण्टी भी देनी होगी।

नोट :—जहाज मालिक जहाज परिचालक, स्टीमर एजेंट और आयातक तथा निर्यातक भी लाइसेंस प्राप्त करने के पात्र होंगे।

5. स्टेविडोर के कर्तव्य तथा उत्तरदायित्व :—अध्यक्ष द्वारा जारी किए गए स्टेविडोरिंग लाइसेंस के दौरान प्रत्येक स्टेविडोर निम्नलिखित कर्तव्यों, उत्तरदायित्वों और अनुबंधों की शर्त के अधीन होगा, अर्थात् :—(क) स्टेविडोर यह सुनिश्चित करेगा कि उसके द्वारा नियोजित सभी कर्मचारी तथा श्रमिक माल उतारने तथा नौभरण या आकस्मिक कार्यों को करने के दौरान भारतीय गोदी श्रमिक अधिनियम, 1934 भारतीय गोदी श्रमिक विनियम, 1948, गोदी श्रमिक (सुरक्षा स्वास्थ्य और कल्याण) स्कीम, 1961 और इसके अन्तर्गत जारी अधिमूचनाओं, औद्योगिक विवाद अधिनियम, 1947 वोनम का भुगतान अधिनियम, 1965 और फिलहाल लागू ऐसे कार्यों से संबंधित सभी नियमों, विनियमों और स्कीमों के प्रावधानों का उचित अनुपालन करेंगे।

MINISTRY OF SURFACE TRANSPORT

(Ports Wing)

NOTIFICATION

New Delhi, the 1st March, 1988

G.S.R. 111(E).—In exercise of the powers conferred by sub-section (1) of section 124 read with sub-section (1) of section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approve the Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987, made by the Board of Trustees of Calcutta Port Trust in exercise of powers conferred on them by section 123 of the said Act and published in the Calcutta Gazette dated 17th December, 1987 and 24th December, 1987, as detailed in the Schedule annexed to this Notification.

2. The said regulations shall come into force on the date of publication of this notification in the Official Gazette.

SCHEDULE

CALCUTTA PORT TRUST NOTIFICATION
NO. 442

In exercise of the powers conferred under section 123 of the M. P. T. Act 1963 (Act 38 of 1963) and in supersession of all previous rules, regulations, bye-laws framed in this respect, except things done or omitted to be done under the said rules, regulations or bye-laws before such supersession, the Board of Trustees for the Port of Calcutta intends to make, subject to sanction of the Government of India the following draft regulation and the same is published hereunder as required under section 124 of the said Act.

1. Short title and commencement.—(1) These regulations may be called the "Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987".

(2) They shall come into force on the date of their publications in the Official Gazette.

2. Definitions—In these regulations, unless the context otherwise requires :

- (i) "Act" means the Major Port Trusts Act, 1963 ;
- (ii) "Board" means the Board of Trustees of the Port of Calcutta as constituted under the Act ;
- (iii) "Chairman" means the Chairman of the Board ;
- (iv) "Form" means form annexed to these regulations ;
- (v) "Stevedores" means a person to whom a stevedoring licence has been given under regulation 3 and includes a person who is a stevedore by virtue of Regulation 11.

(vi) "Traffic Manager" means the Officer for the time being in charge of the Traffic Department of the Calcutta Port Trust and includes the deputies and Assistants to the Traffic Manager and any other Officer acting under the authority of the Traffic Manager.

3. Issue of Stevedoring Licence (1) The Chairman may issue stevedoring licences for a period of two years, on application to persons to act as stevedores at the port to perform the work of landing and shipping of goods between vessels in the port and the wharves, piers, quays, or docks belonging to or in the possession of the Board and any other work involved in the stevedoring of vessels within the Port.

(2) No stevedore shall be allowed to work on board any vessel in the port except under a licence issued by the Chairman under these regulations.

4. Production of evidence of stevedoring work done|capacity to do such work —(i) No licence for stevedoring be granted unless the applicant produces evidence ;

- (a) That he has maintained|would maintain the input|output norms of handling different commodities as may be laid down by the Board from time to time.
- (b) That his financial standing to meet the obligations to the workers and staff employees on account of wage and compensation under the Workmen's Compensation Act, 1923, Payment of Wages Act, 1936, Industrial Disputes Act, 1947, or any other law for the time being in force ; and makes a deposit of Rs. 1 lakh in cash by any other acceptable security which will be refunded|discharged after the termination|expiry of the licence.
- (c) That he undertakes to have in his employment such minimum staff and have in his possession such minimum gear as may be prescribed by the Board for undertaking stevedoring efficiently.
- (d) That the applicant shall pay a licence fee of Rs. 4,500/- before the licence is issued or renewed. Every licensed stevedore shall deposit a sum of Rs. 5,000/- as earnest money for the proper performance of work permitted under the licence. The earnest money will not carry any interest and will be refunded when the licence ceases to operate after adjusting the claims, if any, of the Board.
- (e) That he shall also produce a bank guarantee for Rs. 1 lakh, so as to meet any contingency.

Note : The vessel owners, vessel operators, steamer agents and importers and exporters would also be eligible for grant of a licence.

5. Duties and responsibilities of stevedore :— Every Stevedore, shall be subject to the following duties, obligations and responsibilities during the currency of stevedoring licence issued to him by the Board namely :—

- (a) he shall ensure due compliance by all the staff and the workers employed by him during the operation of landing and shipping or transshipping goods or work incidental thereto, of the provisions of the Indian Dock Labourers' Act, 1934, the Indian Dock Labourers Regulations, 1948, the Dock Workers' (Safety, Health and Welfare) Scheme, 1961 and notifications issued thereunder, the Industrial Disputes Act, 1947, the payment of Bonus Act, 1965, and rules, regulations and schemes issued thereunder, relating to such operations and for the time being in force ;
- (b) he shall carry out the operations with the gear owned or hired by him ;
- (c) he shall be solely responsible for any accident or damage resulting from the use of any gear used by him ;
- (d) he shall comply with all accepted safe practices in relation to operations performed by him ;
- (e) he shall indemnify the Board against all third party claims arising out of operations performed by him ;
- (f) whenever the Port Trust Board has to pay compensations to any of its employees or workers or his dependents under the provision of the Workmen's Compensation Act, 1923, in consequence of any accident arising out of, and during the course of, work performed by a Stevedore or any employee or worker employed by him, the Stevedore shall reimburse the Board any sum so paid for any such purpose the quantum of compensation as determined under the Workmen's Compensation Act, 1923, shall be taken as binding and conclusive between the Board and the Stevedore ;
- (g) If any gear, plant and other property of the Port Trust Board is damaged in the course of any such operation, the Stevedore shall compensate the Board for such loss or damage, the extent of which shall be decided by the Chairman after carrying out a proper enquiry ;
- (h) he shall agree to refer any dispute or difference between him and the Calcutta Port Trust as to the payment of compensation, its quantum or any connected question to an Arbitrator nominated by the Port Trust Board ;
- (i) he shall be responsible to employ at least one experienced person to supervise every

vessel in respect of which he has undertaken the Stevedoring operations ;

- (j) he shall submit promptly any information asked for by the Port Trust or any officer of the Port from time to time ;
- (k) he shall ensure that all the dues of the Port Trust Board are paid on the appointed dates, failing which his licence shall not be renewable and be liable to be cancelled under these regulations ;
- (l) he shall provide for adequate supervision over the workers employed by him in order to ensure maximum productivity consistent with the requirements of safety ;
- (m) he shall provide all the necessary gear, equipment duly tested for the respective type of cargo ;
- (n) he shall produce the gear, equipment, with necessary annealing and test certificates, for inspection periodically or whenever demanded by the Inspector, Dock Safety or the Traffic Manager ;
- (o) he shall provide the workers necessary protective safety appliances appropriate for the type of cargo ;
- (p) he shall ensure that the workers are available at the worksite throughout the shift period, except during the recess hours and render the normal output and shall take effective steps to improve the performance whenever output falls below normal ;
- (q) he shall make adequate arrangements for ancillary operations such as filling, stitching and breaking of cargo, stacking of cargo, stowage of cargo, etc. on board the vessels ;
- (r) he shall undertake to pay to workers engaged by him wages in accordance with the terms of wage settlement arrived at between the Central Government and the Federations of Port and Dock workers from time to time ;
- (s) he shall not assign, transfer or in any manner part with any interest or benefit in or under the licence to any other person without the prior approval in writing of the Chairman ;
- (t) he shall comply with such instructions as may be issued from time to time by the Traffic Manager in the interest of safety, improved productivity and labour discipline.

6. Application for grant/renewal of licence :—(1) The application for grant or renewal of a stevedoring licence shall be made in Form-A to the Chairman.

(2) The applicant shall pay a licence fee of Rs. 4,500/- before the licence is issued or renewed. Every licensed stevedore shall deposit a sum of Rs. 5,000/- as earnest money for the proper performance of work permitted under the licence. The earnest money will not carry any interest and will be refunded when the licence ceases to operate after adjusting the claims, if any, of the Board.

(3) Every licence granted or renewed under these regulations shall be in Form 'B'.

(4) The application for renewal of stevedore licence shall be made at least one month before the expiry of the licence. If the application for renewal is not received within the stipulated period of one month, such applications may be accepted on payment of Rs. 50/- by the Board.

Provided that the application for renewal together with the late fee is received by the Traffic Manager before the actual date of expiry of the licence.

(5) In the event of loss or defacing of the original licence, a duplicate licence may be obtained on an application made to the Chairman on payment of rupees one hundred.

7. Change in name, constitution etc. to be communicated :—(1) Where the Stevedore is a firm or a Company, it shall immediately communicate to the Chairman any change in the Director, Managing Director or Partners, as the case may be with a copy of the document in support of the such change.

(2) Any change in the name, title or constitution of a firm or a Company holding a Stevedoring Licence shall be communicated to the Chairman forthwith. The firm or Company undergoing such a change shall submit a fresh application for the grant of new licence ;

Provided that the Chairman may allow such firm or Company to carry on business till a decision is taken on such fresh application.

8. Power of Chairman to suspend a licence pending enquiry :—The Chairman may, pending enquiry, suspend for a period not exceeding three months, the licence issued to a Stevedore, if he finds it expedient and necessary to do so in the interest of the port.

9. Cancellation|Suspension of Licences :—(1) The Chairman may at any time suspend for such period as he may deem fit, or cancel the licence issued to a Stevedore for violation of any of the

terms of the licence or for any of the reasons listed below :

- (i) violation of safety precautions,
- (ii) low productivity,
- (iii) lack of supervision over stevedoring workers,
- (iv) improper and unsafe handling of packages,
- (v) Mis-representation or mis-statement of material facts,
- (vi) The stevedore being adjudged insolvent or going into liquidation,
- (vii) causing obstruction to any work in the port,
- (viii) Sub-letting of work to any other individual or parties,
- (ix) Any mis-conduct which in the opinion of the Chairman warrants such cancellation or suspension.

(2) No stevedoring licence shall be cancelled or suspended until the stevedore has been given a reasonable opportunity for showing cause why his licence should not be cancelled or suspended and reasons for such cancellation or suspension have been recorded

10. Appeal :—(1) Any person aggrieved by the order of the Chairman granting or refusing to grant a licence or renewing or refusing to renew a licence and suspending a licence may prefer an appeal in writing to the Central Government within thirty days of the communication of the order appealed against.

(2) The Central Government shall pass such order on the appeal as it deems fit after giving an opportunity of being heard to the appellant.

(3) Notwithstanding anything contained in sub-regulation (1), an appeal may be admitted after the period of thirty days if the appellant satisfies the Central Government that he had sufficient cause for not making an application within such period.

11. Notwithstanding anything contained in the Regulations, stevedoring licences which may be in force on the date of issue of these regulations shall, be deemed to have been issued under these regulations and shall continue to be valid till the expiry of the period of such licences.

12. Repeal :—Byelaws No. 4B of Byelaws of the Port of Calcutta is hereby repealed.

FORM 'A'

CALCUTTA PORT TRUST

To

The Chairman,
Calcutta Port Trust

APPLICATION FORM FOR THE GRANT/RENEWAL OF
STEVEDORING LICENCE

1. Name of the applicant
2. Whether individual, firm or Company
(Article of Partnership/Company to be produced).
3. Full Address
4. Year/s for which licence is required:
5. Name/s of the Steamship Company/Charterer of Ships/Owner of Cargo,
with whom the contract for stevedoring their vessels/cargo subsists or is
proposed to be entered
(Proof of Contract for the period covered is to be appended. The approxi-
mate tonnage for each party is to be indicated)
6. Previous experience in the Field :
(The cargo and tonnage stevedored in the previous 3 years to be furnished)
7. Amount of financial ability to meet the obligations on account of wages,
compensation under Workman's Compensation Act etc. (a certificate from
the Bankers as to the financial ability and Income Tax clearance Certificate
to be produced).
8. Whether the applicant has/is willing to acquire adequate gear for stevedor-
ing the contracted vessel/cargo ?
(List of gear with necessary certificate to be furnished).
9. Whether the applicant has/is willing to have in his employment adequate
staff with experience and conversance with Rules and Regulations
(A list of the staff and their experience to be furnished).
10. Whether the applicant has cleared all dues, if any, on account of transac-
tions he had with the Port Trust?
11. Whether the licence fee and the earnest money deposit has been made?
(The receipt for the payment is to be attached. The licence fee and the
deposit will be refunded if the licence is not issued/renewed).

I affirm that the particulars given are true to the best of my knowledge and belief.

I agree to furnish any other information/produce any record for inspection as may be required to consider the request for grant of licence.

I agree to abide by the Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987, and to comply with the directions made by the Calcutta Port Trust, from time to time, if the licence is issued/renewed.

Place:

Signature of applicant

Date

FORM 'B'

Licence for undertaking stevedoring operations at the Port

1. Name of the Licencee
2. Address
3. Period for which the licence is granted
4. Any other particulars required to be mentioned
5.
6.
7.

Licensing Authority

Designation

Place

SEAL

CONDITIONS

1. This licence is granted subject to the provisions of the Major Port Trust, Act, 1963 and the Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987.

2.

3

(Here print the conditions subject to which the licence is given e.g. the duties and responsibilities enlisted in Regulation 5 of the draft Regulations).

By Order of Trustees

P. N. SFN, Secy.

[F. No. PR-21011 3/87-P.G.]

YOGENDRA NARAIN Jt. Secy.

